

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion for the Purpose of
Considering Policies and Rules Governing Utility
Construction Contracting Process.

Rulemaking 03-09-006
(Filed September 4, 2003)

**ASSIGNED COMMISSIONER RULING RESOLVING OUTSTANDING
PROCEDURAL MATTERS AND SETTING PREHEARING CONFERENCE**

This ruling addresses several procedural matters and schedules a
prehearing conference for December 8, 2003 at 11:00 a.m.

Motions for Extensions of Time and Exemptions

On October 16, 2003, Applicants AT&T Wireless Services of California, LLC, Pacific Bell Wireless, LLC dba Cingular Wireless, Nextel of California, Inc., Sprint Spectrum L.P. d/b/a Sprint, Omnipoint Communications, Inc. dba T-Mobile, and Verizon Wireless (Wireless Carriers) filed a Joint Motion to Stay or Extend October 24, 2003 Reporting Deadline and Request to Waive or Shorten Response Period (Joint Motion). The motion asks the Commission to extend the schedule set forth in Rulemaking (R.) 03-09-006 until after the full Commission resolves the question of whether jurisdictional Wireless Carriers must respond to the rulemaking.

Other parties have informally contacted the Assigned Commissioner or Administrative Law Judge seeking clarification regarding service requirements and, in one case, seeking an exemption from the requirements of the order on the basis that they are burdensome to small companies.

Service to Respondents and Parties

The number of companies made respondents to the Order Instituting Rulemaking exceeds 1,100. Each is entitled to all documents filed in this docket but service by all parties to all respondents would present an unreasonable burden. Moreover, all parties and respondents may not wish to receive all reports filed by all respondent utilities.

In order to reduce the burden of service in this case, utility reports required by R.03-09-006 and responsive comments do not need to be served on all respondents at this time, although they must be served on any party requesting service. Utility reports and responsive comments must be filed with the Commission consistent with Article 2 of the Commission's Rules of Practice and Procedure and on any party listed on the service list for the proceeding which will be created after the Commission's first prehearing conference.

Schedule for Utility Reports and Responsive Comments

Recognizing that small companies may have difficulty meeting the deadline in R.03-09-006 and to provide time for the Commission to consider the Joint Motion, this ruling modifies the schedule set forth in R.03-09-006. The new due date is January 9, 2004 for (1) wireless companies, (2) water companies designated as Class B, C and D, and (3) energy and telecommunications utilities with California revenues less than \$500 million.

The deadline for the reports of all other jurisdictional utilities is extended from October 24 to November 15, 2003. The reports filed on this date must include the additional information described below. Opening comments to the OIR are due no later than December 5.

Additional Information

In order to analyze the issues identified in the Commission's rulemaking, the Commission will require the following additional information of jurisdictional utilities:

For the construction contracts listed in compliance with Question #3 of R.03-09-006, respondent utilities should also identify which construction contracts solicited or were awarded using any form of bid shopping.

Prehearing Conference

This ruling schedules a prehearing conference in this proceeding for December 8 at 11:00 a.m. At the prehearing conference, the Commission will take appearances, discuss further scheduling and the scope of issues raised by the rulemaking.

IT IS RULED that:

1. The deadline is January 9, 2004 for utility reports to be filed by (1) wireless companies (2) utilities with annual California revenues less than \$500 million and (3) water companies except Class A companies.
2. The deadline for reports to be filed by Class A water companies and other non-wireless utilities with annual revenues exceeding \$500 million is extended to November 15, 2003. Opening comments to the OIR are due no later than December 5, 2003.
3. Utility reports required by Rulemaking 03-09-006 and responsive comments do not need to be served on all respondents at this time, although they must be served on any party requesting service. Utility reports and responsive comments must be filed with the Commission consistent with Article 2 of the Commission's Rules of Practice and Procedure and on any party listed on the

official service list for the proceeding created after the Commission's prehearing conference in this proceeding.

4. The Commission will conduct a prehearing conference in this proceeding at 11:00 a.m. on December 8, 2003 in the Commission Courtroom, State Office Building, 505 Van Ness Avenue (at McAllister), San Francisco, California.

Dated October 21, 2003, at San Francisco, California.

/s/ LORETTA LYNCH
LORETTA LYNCH
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner Ruling Resolving Outstanding Procedural Matters and Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated October 21, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.